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Date: January 25, 2005

Client/Matter #: 46538-2

RECIPIENT INFO	Name:	Joseph Merek - Examiner	Fax #:	703-872-9306
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	Company:	USPTO	Telephone #:	

SENDER INFO	From:	C. Brandon Browning	Telephone #:	(205) 930-5141
	Location:	Birmingham	Fax #:	(205) 930-5101

MESSAGE	Re: Patent Amendment for Serial No. 10/616,119
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Number of Pages (Including Cover Sheet): 5

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AMENDMENT TRANSMITTAL LETTER (Small Entity)					Docket No. 046538-00002	
Applicant(s): Brian Edward Unkenholz						
Application No. 10/616,119	Filing Date 7/9/2003	Examiner J. Merek	Customer No. 26359	Group Art Unit 3727	Confirmation No. 2199	
Invention: DRINKING VESSEL						
COMMISSIONER FOR PATENTS:						
Transmitted herewith is an amendment in the above-identified application.						
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27						
The fee has been calculated and is transmitted as shown below.						
CLAIMS AS AMENDED						
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE	
TOTAL CLAIMS	23 -	23 =	0	x \$25.00	\$0.00	
INDEP. CLAIMS	3 -	3 =	0	x \$100.00	\$0.00	
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00	
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					\$0.00	
<input checked="" type="checkbox"/> No additional fee is required for amendment. <input type="checkbox"/> Please charge Deposit Account No. _____ in the amount of _____ <input type="checkbox"/> A check in the amount of _____ to cover the filing fee is enclosed. <input checked="" type="checkbox"/> The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 501346 <input type="checkbox"/> Any additional filing fees required under 37 C.F.R. 1.16. <input type="checkbox"/> Any patent application processing fees under 37 CFR 1.17. <input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.						
 Signature C. Brandon Browning, Reg. No. 44,570 Sirote & Permutt, P.C. PO Box 55727 Birmingham, AL 35255-5727 205-930-5141 Fax: 205-930-5101			Dated: 1/25/2004			
CC:			I certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____ (Date)			
			Signature of Person Mailing Correspondence			
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**RECEIVED
CENTRAL FAX CENTER****JAN 25 2005****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re: Application of)

Brian Edward Unkenholz)

U.S. Serial No. 10/616,119)

Filed: July 9, 2003)

For: DRINKING VESSEL)

Examiner: Joseph C. Merek

Group Art Unit: 3727

Confirmation No. 2199

Post Office Box 55727
Birmingham, Alabama 35255-5727
January 25, 2005

Commissioner for Patents
Mail Stop Amendment
Alexandria, VA 22313-1450

RESPONSE

Sir:

This is in response to the Office action mailed January 12, 2005.

The examiner requires restriction to one of the following inventions pursuant to 35

U.S.C. §121:

- I. Claims 1-22, drawn to a container, classified in class 220, subclass 710.
- II. Claim 23, drawn to a method of evacuating fluid from a container, classified in class 222, subclass 1.

In reply to the restriction requirement of January 12, 2005, the applicant elects Group I.

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In view of applicant's election of Group I above, the examiner requires further restriction of Group I to one of the following groups:


Group 1 Fig. 1, (means for preventing fluid flow from the tube is a plug),

Group 2 Fig. 4, (means for preventing fluid flow from the tube is a clasp).

The applicant provisionally elects Group 1, Fig. 1 (means for preventing fluid flow from the tube is a plug) on which generic claims 1, 12 and 22 and species claims 2, 3, 4, 5, 6, 7, 8, 9, 11, 13, 14, 15, 16, 17, 18, 19, 20 and 21 read. However, the requirement election is traversed. The "means for preventing fluid flow from the tube is a plug" and "means for preventing fluid flow from the tube is a clasp" are known in the art as equivalents. Thus, a search for one species will suffice for the other.

Respectfully submitted,

SIROTE & PERMUTT, P.C.

By: 
C. Brandon Browning
Reg. No. 44,570
205-930-5141

CBB:tr

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